

LIST OF AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council of California on February 27, 2004

Effective February 27, 2004 and

July 1, 2004

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Rule 1479. Responsibilities of children's counsel in delinquency proceedings (Welf. & Inst. Code, §§ 202, 265, 633, 634, 634.6, 679, 700)

- (a) [Purpose]** This rule is designed to ensure public safety and the protection of the child's best interest at every stage of the delinquency proceedings by clarifying the role of the child's counsel in delinquency proceedings. This rule is not intended to affect any substantive duty imposed upon counsel by existing civil standards or professional discipline standards.
- (b) [Responsibilities of counsel]** A child's counsel is charged in general with defending the child against the allegations in all petitions filed in delinquency proceedings and with advocating, within the framework of the delinquency proceedings, that the child receive care, treatment, and guidance consistent with his or her best interest.
- (c) [Right to representation]** A child is entitled to have his or her interests represented by counsel at every stage of the proceedings, including postdispositional hearings. Counsel must continue to represent the child unless relieved by the court upon the substitution of other counsel or for cause.
- (d) [Limits to responsibilities]** A child's counsel is not required:

 - (1) To assume the responsibilities of a probation officer, social worker, parent, or guardian;
 - (2) To provide nonlegal services to the child; or
 - (3) To represent the child in any proceedings outside of the delinquency proceedings.

Rule 1479 adopted effective July 1, 2004.

Rule 2073.5 Remote electronic access allowed in individual criminal cases

- (a) **Exception for extraordinary cases.** Notwithstanding rule 2073(b)(2), the presiding judge of the court, or a judge assigned by the presiding judge, may exercise discretion, subject to (b), to permit remote electronic access to all or a portion of the public court records in an individual criminal case if (1) the number of requests for access to documents in the case is extraordinarily high, and (2) responding to those requests would significantly burden the operations of the court.
- (b) **Relevant factors.** In exercising discretion under (a), the judge should consider relevant factors, such as:
- (1) The impact on the privacy of parties, victims, and witnesses;
 - (2) The benefits to and burdens on the parties in allowing remote electronic access, including possible impacts on jury selection; and
 - (3) The benefits to and burdens on the court and court staff.
- (c) **Redaction of private information.** The court should, to the extent feasible, redact the following information from records to which it allows remote access under (a): driver license numbers; dates of birth; social security numbers; Criminal Identification and Information and National Crime Information numbers; addresses, and phone numbers of parties, victims, witnesses, and court personnel; medical and psychiatric information; financial information; account numbers; and other personal identifying information. The court may order any party who files a document containing such information to provide the court with both an original unredacted version of the document for filing in the court file and a redacted version of the document for remote electronic access. No juror names or other juror identifying information may be provided by remote electronic access. This subdivision does not apply to any document in the original court file; it applies only to documents that are available by remote electronic access.
- (d) **Notice and comments.** Five days notice must be provided to the parties and the public before the court makes a determination to provide remote electronic access under this rule. Notice to the public may be accomplished by posting notice on the court Web site. Any person may file comments with the court for consideration, but no hearing is required.
- (e) **Order.** The court's order permitting remote electronic access must specify which court records will be available by remote electronic access and what categories of information are to be redacted. The court is not required to make findings of fact. The court's order must be posted on the court's Web site and a copy sent to the Judicial Council.
- (f) **Sunset date.** This rule is effective until January 1, 2005.

Rule 2073.5 adopted effective February 27, 2004.

